

Panaji, 25th July, 2024 (Sravana 3, 1946)

SERIES II No. 17

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

*Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 16 dated 18-07-2024 namely, Extraordinary dated 22-07-2024 from pages 339 to 340 regarding Notification from Department of Finance.*

### GOVERNMENT OF GOA

#### Department of Agriculture

##### Directorate of Agriculture

##### Notification

No. 3/Crops &amp; PP/16/Insecticide Act/2024-25/D.Agr/416

Sub.: Notification of Appointment of Insecticide Inspector for the State of Goa.

In exercise of the powers conferred under Section 20 of the Insecticide Act, 1968 read with Section 21, sanction of the Government is hereby accorded for the appointment of Shri Krishnanath B. Naik. Agriculture Officer, Group 'B' Gazetted, in the Directorate of Agriculture, Goa to act as a

Insecticide Inspector in the entire State of Goa and also authorized to inspect manufacturer of insecticides.

He shall exercise the powers as laid down in Section 21 of the Insecticides Act, 1968 and perform duties as laid down in Rule 27 of Insecticides Rule, 1971. In addition the Insecticide Inspector is authorized to inspect the manufacturer of insecticides and shall also perform duties as specified in Rule 28 of the above Rules.

This notification shall come into force from the date of its publication in the Official Gazette.

This notification supersedes the earlier Notification No. 3/1/PP/6/2007-08/D. Agri/469 dated 3rd March, 2008 and Notification No. 3/1/PP/6/2011-12/D.Agr/149 dated 29th June, 2011.

This issue with the approval of Government vide entry No. 1549/F dated 26-06-2024.

By order and in the name of the Governor of Goa.

*Sandeep Fol Dessai*, Director (Agriculture) & ex officio Jt. Secretary.

Tonca-Caranzalem, 18th July, 2024.

### Department of Captain of Ports

##### Notification

No. MS/F-78/SMWTC/24-25/1407

Government is pleased to constitute State Maritime and Waterway Transport Committee (SMWTC) for the State of Goa to co-ordinate with the Ministry of Port, Shipping and Waterways to explore the potential of State Waterways Resources for development, promotion of maritime sector and economical growth of the State.

1. Secretary (Ports), Government of Goa—Chairperson.
2. Chairperson, Mormugao Port Authority, Government of India—Member Convener.
3. Captain of Ports, Captain of Ports Department, Government of Goa—Member Co-Convener.

4. Secretary, Department of Transport, Government of Goa—Member.
5. Secretary, Department of Tourism, Government of Goa—Member.
6. Secretary, Directorate of Fisheries, Government of Goa—Member.
7. Principal Chief Engineer, Public Works Department, Government of Goa—Member.
8. Chief Engineer, Water Resources Department, Government of Goa—Member.
9. A Representative from Regional/Zonal Office of Railways—Member.
10. A Representative from Regional/Zonal Office of NHAI—Member.
11. Commissioner, Office of Commissioner of Customs, Goa, Government of India—Member.
12. Director, Directorate General of Lighthouse and Lightships, Goa, Government of India—Member.
13. Surveyor Incharge, Mercantile Marine Department, Headland Sada, Mormugao-Goa, Government of India—Member.

By order and in the name of the Governor of Goa.

*Octavio A. Rodrigues*, ex officio Joint Secretary/Captain of Ports.

Panaji, 13th June, 2024.

#### Notification

No. MS/F-77/CS/2024-25

Government is pleased to constitute the Coastal Shipping Promotion Cell for the State of Goa to co-ordinate with the Ministry of Ports, Shipping and Waterways on all issues related to the Coastal Shipping, and will consist of the following members:-

- |  |                         |
|--|-------------------------|
| 1. Secretary (Ports), Government of Goa                                    | — Chairperson.          |
| 2. Captain of Ports, Captain of Ports Department, Government of Goa        | — Nodal Officer/Member. |
| 3. Dy. Conservator, Mormugao Port Authority                                | — Member.               |
| 4. Director, Department of Tourism, Government of Goa                      | — Member.               |
| 5. A Representative from Confederation of Indian Industry, Goa             | — Member.               |
| 6. A Representative from Konkan Maritime Cluster, Goa                      | — Member.               |
| 7. A Representative from Goa Mineral Owners and Exporters Association, Goa | — Member.               |
| 8. A Representative from Mormugao Ship Agents Association, Goa             | — Member.               |
| 9. A Representative from Goa Barge Owners Association, Goa                 | — Member.               |

By order and in the name of the Governor of Goa.

*Octavio A. Rodrigues*, ex officio Joint Secretary/Captain of Ports.

Panaji, 20th May, 2024.

#### Department of Labour

#### Order

No. 28/43/2024-LAB/406

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Himgiri Casting Private Limited, 291, Kundaim Industrial Estate, Kundaim-Goa and its workmen, represented by the Gomantak Mazdoor Sangh, in respect of the matter specified in the Schedule hereto;

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7A of the said Act.

#### SCHEDULE

(1) Whether the action of the management of M/s. Himgiri Casting Private Limited, 291 Kundaim Industrial Estate, Kundaim, Goa in dismissing Shri Kamalakant Naik, Operator and Mrs. Manda Wadikar, Housekeeping, with effect from 15-03-2024, is legal and justified?

(2) If not, what relief the workmen are entitled to?

By order and in the name of the Governor of Goa.

*Amalia O. F. Pinto*, Under Secretary (Labour).

Porvorim, 4th July, 2024.

#### Notification

No. 28/02/2024-LAB/Part-I/447

The following Award passed by the Labour Court-II, at Panaji-Goa on 18-06-2024 in Case No. Ref. LC-II/IT/02/2021 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*Amalia O. F. Pinto*, Under Secretary (Labour).

Porvorim, 17th July, 2024.

IN THE LABOUR COURT-II  
GOVERNMENT OF GOA  
AT PANAJI

**(Before Shri Suresh N. Narulkar, Hon'ble  
Presiding Officer)**

Case No. Ref. LC-II/IT/02/2021

Ms. Harsha Devidas Tuyenkar,  
216/II/4, B-Type Colony,  
MPT Quarters, Headland Sada,  
Mormugao-Goa (403804). .... Workperson/Party-I.

V/s

M/s. Goa Medical College Employees  
Co-op. Credit Society,  
Goa Medical College Complex,  
Bambolim-Goa (403202). ... Employer/Party II

Workperson/Party I represented by Adv. Shri P. J. Kamat.

Employer/Party II represented by Adv. Shri P. Chawdikar.

Panaji, dated: 18-06-2024.

#### AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 29-01-2021, bearing No. 28/23/2020-LAB/42 referred the following dispute for its adjudication to the Labour Court-II at Panaji-Goa, constituted under Section 7(1) of the said Act.

*"(1) Whether the action of the Management of M/s. Goa Medical College Employees Co-op. Credit Society Limited, Bambolim, Goa, in terminating the services of Ms. Harsha Tuyenkar, Accounts Clerk, with effect from 09-05-2019 is legal and justified?"*

*(2) If not, what relief the workperson is entitled to?"*

2. On receipt of the reference, a case was registered under No. LC-II/IT/02/2021 and registered A/D notice was issued to the Parties. In pursuance to the said notice, the Parties put in their appearance. The Workperson/Party-I (for short 'Workperson'), filed her Statement of Claim on 24-02-2021 at Exb. 4. The facts of the case in brief as pleaded by the workperson was employed as an "Accounts Clerk" by the Employer/Party-II (for short "Employer") w.e.f. 15-07-2016. She stated that the Employer is a Co-operative Credit Society registered under The Goa Co-operative Societies Act, 2001 and is in the business of banking. She stated that her services were terminated w.e.f. 09-05-2019 by the Chairman/Secretary of the Employer. She stated that the Employer employed about eight workmen at the time of termination of her services. She stated that the Employer is covered under the Employees Provident Funds (Miscellaneous Provisions) Act, 1952 and all the Workmen had been contributing to the said Fund. She stated that the Employer has contended in the letter of termination dated 08-05-2019 that two complaints were received, one from the shareholders and other from the Directors of the Employer Society for not doing the proper formality for recruitment of staff, that since no administrative approval for recruitment of staff was

taken, the Office of the Asst. Registrar told the Employer to follow proper procedure and since her appointment was on temporary basis, the BOD has unanimously decided to relieve her with immediate effect. She stated that no misconducts were alleged against her as per the wording of the letter of termination.

3. She stated that she has not committed any misconducts while she was in service. She stated that the contention made in the letter of termination are baseless and concocted and are made only to get her rid. She stated that the action of the Employer in terminating her services is retrenched and the Employer was required to follow the provisions of Section 25F of the said Act. She stated that the provisions contained in Section 25F of the said Act are required to be complied with if the Workmen concerned had completed 240 days of service in a period of 12 months preceding the order of termination. She stated that she was in continuous service of more than 240 days in each year from the date of appointment w.e.f. 5-07-2016. She stated that the Employer has not followed the conditions precedent to Section 25F of the said Act at the time of her termination and as such, the action of the Employer is illegal and bad in law.

4. She stated that thereafter, vide her letter dated 03-07-2019, she made a demand on the Employer informing them that their action of her termination is in violation of Section 25F and 25G of the I. D. Act, 1947 and the same is illegal and unjustified. She stated that she also demanded that she be reinstated in service with full back wages and continuity in service with cost and a copy of the said letter was endorsed to the Labour Commissioner, Government of Goa, Panaji-Goa with a request to intervene in the matter. She stated that the Asst. Labour Commissioner and Conciliation Officer, Panaji, Goa has issued a conciliation which ended in failure. She submitted that the action of the Employer in terminating her services is illegal, unjust and in total contravention of Section 25F and 25G of the said Act. She stated that from the time of her termination, she is unemployed and could not get employment elsewhere even though she tried for the same. the Workperson therefore prayed that this Court be hold that their termination of services of the Workperson is illegal, unjust and in contravention of Section 25 F and 25G of the said Act and she be reinstated in service with full back wages, continuity in service and consequential benefits thereof.

5. The Employer resisted the aforesaid claim statement of the Workperson by filing its written statement dated 22-07-2021 at Exb. 6. The Employer,

as and by way of its, preliminary objections, submitted that the present claim of the Workperson in the present reference is not an "Industrial Dispute" as defined u/s 2 (k) of the I.D. Act, 1947, that the Employer in the present reference is a Co-operative Credit Society and is not an "Industry" as defined u/s 2(j) of the I.D. Act, 1947, that the Workperson cannot be construed as a "Workman" as defined u/s 2(s) of the I.D. Act, 1947, that this Hon'ble Court has no jurisdiction to adjudicate the present matter and the reference is deserves to be dismissed for want of jurisdiction, and that there is non-application of mind by the appropriate Govt. while referring the present dispute and hence the same needs to be rejected.

6. The Employer stated that it is an Employees Co-operative Credit Society registered under the Maharashtra Co-operative Societies Act, 1960 then applicable to the State of Goa and now deemed to be registered under the Goa Co-operative Societies Act, 2001 and is presently governed by the provisions of Goa Co-operative Societies Act, 2001 and rules framed thereunder. The Employer stated that it is a Goa Medical College Employees Co-operative Credit Society, is a Society formed by the Employees of the Goa Medical College (GMC). The Employer stated that it has its employees as the only members and having object of advancing loan to its members only and not to the general public at large and as such, the Employer Society cannot be termed as "Commercial Establishment" as per the settled law. The Employer stated that it is accepting deposits and granting loans only and hence, even if it is assumed that its receipts exceeds its expenditure, that by itself would not bring them within the purview of expression "Industry" as defined u/s 2(j) of the I.D. Act, 1947.

7. The Employer admitted that the Workperson was appointed by its then Chairman without following the due procedure of law as provided in the Goa Co-operative Societies Act, 2001. The Employer stated that its then Chairman, in clear defines of law, its bye laws and resolution passed in the General Body Meetings and without taking the prior permission/approval or even giving necessary intimation to the appropriate authority under the law appointment. The Employer stated that its Chairman, Mr. Govind Chodankar appointed the Workperson being his close relative thereby violated the resolution No. 4 passed by its General Body in its meeting held on 15-12-2005. The Employer stated that its General Body resolved in the said meeting that close relative of the BOD will not be considered for employment in its Society.

The Employer stated that after a span of time, the said Chairman Mr. Govind Chodankar was disqualified by the Registrar of the Co-operative Society and had also declared that the acts of the said Chairman which he has done during his tenure are illegal. The Employer stated that they have also received a complaint against the Workperson from the shareholders and the members and therefore, considering the appointment of the Workperson is illegal ab initio, no release as prayed by her in the present reference can be granted in her favour.

8. Without prejudice to the above contention, the Employer stated that the Workperson was appointed as "Accounts Clerk" on temporary basis vide appointment letter dated 14-07-2016. The Employer stated that the post of the Workperson was of temporary nature and the Workperson was also aware of the fact that her job was of temporary nature and hence she can be relieved from her duties as per law. The Employer stated that in terms of the report and observation from the Registrar of the Co-operative Societies and also the complaint received from the shareholders and its Directors, the services of the Workperson was discharged by the same Chairman/authority who had appointed her, the said fact is crystal clear from the documents/records of the case. The Employer denied the overall case as pleaded by the Workperson and prayed that dismiss the present reference for not having proper jurisdiction or to pass an Order holding the termination of the Workperson as legal and justified or to pass an Order holding that the provisions of the I. D. Act, 1947 are not applicable to the Employer or to pass any other appropriate Order considering the facts and circumstances of the present matter.

9. Thereafter, the Workperson filed her Rejoinder on 17-08-2021 at Exb. 7. The Workperson, as and by way of her Rejoinder, affirms and confirms all statements and submissions made by her in her Statement of Claim and denies all averments made by the Employer in its Written Statement which are contradictory to or inconsistent with her case as set out in her Claim Statement.

10. Based on the pleadings filed by the parties hereinabove, this Hon'ble Court framed the following issues on 05-10-2021 at Exb. 10.

- 1) Whether the Workperson/Party-I proves that she is a 'workman' as defined u/s 2(s) of the I.D. Act, 1974?
- 2) Whether the Workperson/Party-I proves that the action of the Employer Society in terminating her services w.e.f. 09-05-2019 is illegal and unjustified?

3) Whether the Workperson/Party-II proves that the present order of reference is not maintainable in law in view of the reasons stated in para 2(a), 2(b), 2(c), 2(d) and 2(e) of its written statement?

4) Whether the Workperson/Party-I proves that she is entitled to any relief?

5) What Order? What Award?

11. My answers to the aforesaid issues are as under:

- |                  |   |                     |
|------------------|---|---------------------|
| (a) Issues No. 1 | : | In the negative.    |
| (b) Issue No. 2  | : | In the negative.    |
| (c) Issue No. 3  | : | In the affirmative. |
| (d) Issue No. 4  | : | In the affirmative. |
| (e) Issue No. 5  | : | As per final order. |

I have heard the oral arguments of Ld. Adv. Shri P. J. Kamat appearing for the Workperson as well as Ld. Adv. Shri P. Chawdikar representing the Employer. Both the parties also filed their synopsis of written arguments. I have carefully perused the entire records of the present issue. I have also carefully considered the submissions advanced before me.

#### REASONS

12. *Issues No. 1 & 3:*

I am deciding the issue No. 1 & 3 simultaneously as both the said issues No. 1 & 3 are co-related to each other.

13. The Employer, as and by way of its preliminary objections, submitted that the present claim of the Workperson in the present reference is not an "Industrial Dispute" as defined u/s 2 (k) of the I.D. Act, 1947, that the Employer in the present reference is a Co-operative Credit Society and is not an Industry as defined u/s 2(j) of the I.D. Act, 1947, that the Workperson cannot be construed as a Workman as defined u/s 2(s) of the I.D. Act, 1947, that this Hon'ble Court has no jurisdiction to adjudicate the present matter and the reference is deserves to be dismissed for want of jurisdiction, and that there is non-application of mind by the appropriate Government while referring the present dispute and hence the same needs to be rejected. The burden was therefore cast on the Employer.

14. The term "Industry" has been defined u/s 2 (j) of the I.D. Act, 1947 and it reads as under:

The term "Industry" means, "*any systematic activity carried on by co-operation between an Employer and his Workmen (whether such workmen*

are employed by such Employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—

i. Any capital has been invested for the purpose of carrying on such activity; or

ii. Such activity is carried on with a motive to make any gain or profit, and includes—

(a) Any activity of the Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) Any activity relating to the promotion of sales or business or both carried on by an establishment, but does not include—

(1) any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.

**Explanation.**— For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in Clause (j) of Section 2 of the Plantations Labour Act, 1951; or

(2) hospitals or dispensaries; or

(3) educational, scientific, research or training institutions; or

(4) institutions owned or managed by organization wholly or substantially engaged in any charitable, social or philanthropic service; or

(5) khadi or village industries; or

(6) any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space;

(7) any domestic service; or

(8) any activity, being a profession practiced by an individual or body of individuals, if the number of persons employed by an individual or body of individuals in relation to such profession is less than ten; or

(9) any activity, being an activity carried on by co-operative society or club or any other like body of individuals, if the number of persons employed

by the co-operative society, club or other like body of individuals in relation to such activity is less than ten.]”

15. In the case of **M/s. Arihant Siddhi Co-op. Housing Society Ltd. V/s. Pushpa Vishnu More reported in (2019) 4 LAB LN 99**, the Hon'ble High Court of Bombay, in para 4 of its judgment held as under:

“4. This Court, in its judgment in the case of *M/s. Shantivan-II Pg. 2 of 4 wp787-07.doc Co-op. Housing Society vs. Smt. Manjula Goving Mahida* has considered whether a co-operative housing society can be termed as an industry within the meaning of Section 2(j) of the Industrial Disputes Act merely because it carries on some commercial activity, not as its predominant activity, but as an adjunct to its main activity. This Court has held that such society is not an industry. In a case like this, that is to say, where there is a complex of activities, some of which may qualify the undertaking as an industry and some would not, what one has to consider is the predominant nature of services or activities. If the predominant nature is to render services to its own members and the other activities are merely an adjunct, by the true test laid down in the case of *Bangalore Water Supply and Sewerage Board vs. A. Rajappa*, the undertaking is not an industry.”

The principles laid down by the Hon'ble High Court in its aforesaid case is also applicable to the case in hand.

16. In the case of **Tantrik Shikshan Sahakari Sanstha, Nagpur V/s. Assit. Commissioner of Labour cum Authority, Nagpur & ors. reported in 2017 (2) ABR 318**, the Hon'ble High Court of Bombay in para 8 held as under:

“8..... This Judgment of learned single Judge was challenged in an appeal before the Division Bench. The Division Bench in *Shantaram Pandurang Jadhav & others (supra)*, after referring to the judgment of the Hon'ble Supreme Court in *Management of SOM Vihar Apartment Owners Housing Maintenance Society Ltd. (supra)*, affirmed the view of the learned single Judge and observed that when employees were engaged by a Co-operative Society for the purpose of rendering personal service to the members of the Society, its activities could not be termed as an industry. This decision of the Division Bench was therefore considered and applied by another learned Single Judge in *Shamin Ahmed Siddique (supra)*. From the aforesaid decisions, it can be seen that the Hon'ble Supreme Court as well as the Division Bench of this Court have held in clear

terms that in case of a Society that is constituted only for the purposes of rendering services to its members, its activities could not be treated to be the activities of an industry and the employees therein cannot be treated as workmen. The facts in *Kiran Industrial Premises Co-op. Society Ltd. (supra)* are somewhat identical, as in said case also, there was a prayer for grant of wages as per the provisions of the Act of 1948. The legal position, therefore, stands settled that a Co-operative Society formed for rendering services to its members could not be said to be conducting an activity having the character of "industry".

The principles laid down by the Hon'ble High Court in its aforesaid case is also applicable to the case in hand.

17. In the case in hand, the Employer is a Goa Medical College Employees Co-operative Credit Society formed by the Employees of the Goa Medical College (GMC). The said Society has its employees as the only members and having object of advancing loan to its members only and not to the general public at large and as such the Employer Society cannot be termed as "Commercial Establishment" as per the settled law. The said Society is accepting deposits and granting loan to its members only and as such the Employer Society is not an "Industry" as defined u/s 2(j) of the I.D. Act, 1947.

18. The term "Workman" has been defined under Section 2(s) of the I.D. Act, 1947 and it reads as under:

*Section 2(s), 'Workman' means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has laid to that dispute, but does not include any such person:*

- (1) *who is subject to the AIR Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or*
- (2) *who is employed in the police service or as an Officer or other employee of a prison or*
- (3) *who is employed mainly in a managerial or administrative capacity*

(4) *who, being employed in a supervisory capacity draws wages exceeding Rs. 1,600/- per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.*

19. Thus, in order to prove that the Party-I is/was a "Workman" as defined u/s 2(s) of the I. D. Act, 1947, one has to prove that he/she was working in industry and performing the duties of manual, unskilled, skilled, technical, operational, clerical or supervisory work and it is not enough that he/she was not performing the duties of supervisory, administrative and managerial in nature.

20. In the case in hand, the Party-I was employed in a Goa Medical College Employees Co-operative Credit Society. The said Society has been held as not an "Industry" as defined u/s 2(j) of the I. D. Act, 1947 and as such the Party-I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

21. Similarly, the term "Industrial Dispute" has been defined u/s 2 (k) of the I.D. Act, 1947 and it means, "*any dispute of difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.*"

22. In the case in hand, it is not in dispute that the Party-I is not a "Workman" within the meaning of Section 2 (s) of the I. D. Act, 1947. Therefore, the present dispute raised by the Party-I pertaining to her non-employment w.e.f. 09-05-2019 is not an "Industrial Dispute" within the meaning of Section 2 (k) of the I. D. Act, 1947.

23. Thus, it is held that neither the Party-I is a "Workman" as defined u/s 2(s) of the I.D. Act, 1947 nor the Party-I is employed in an "Industry" as defined u/s 2(j) of the I. D. Act, 1947 and as such the present reference of the Party-I is not an "Industrial Dispute" as defined u/s 2(k) of the I.D. Act, 1947 and as such, this Hon'ble Court has no jurisdiction to adjudicate the present reference. The issue No. 1 is therefore answered in the negative and issue No. 3 is answered in the affirmative.

24. Issue No. 2 & 4: While deciding the issue No. 1 hereinabove, I have discussed and come to the conclusion that the Party-I is not a "Workman" as defined u/s 2(s) of the I. D. Act, 1947. Similarly, while deciding the issue No. 3 hereinabove, I have discussed and come to the conclusion that neither

the Employer is an "Industry" as defined u/s 2(j) of the I. D. Act, 1947 nor the dispute raised by the Party-I is an "Industrial Dispute" as defined u/s 2(k) of the I.D. Act, 1947 and as such this Hon'ble Court has no jurisdiction to adjudicate the present reference. The Workperson is not entitled to any relief.

25. In view of above, the action of the Employer Society in terminating her services w.e.f. 09-05-2019 is illegal and unjustified, does not arise. The issue No. 2 is therefore answered accordingly. The issue No. 4 is answered in the negative.

In view of the above, I proceed to pass the following Order:

#### ORDER

1. It is held that neither the Party-I is a "Workman" as defined u/s 2(s) of the I.D. Act, 1947 nor the Employer is an "Industry" as defined u/s 2(j) of the I.D. Act, 1947 and as such the dispute raised by the Party-I is not an "Industrial Dispute" as defined u/s 2(k) of the I. D. Act, 1947.
2. It is held that whether the action of the Management M/s. Goa Medical College Employees Co-op. Credit Society Limited, Bambolim, Goa, in terminating services of Ms. Harsha Tuyenkar, Accounts Clerk, with effect from 09-05-2019, is legal and justified, does not arise.
3. It is held that Ms. Harsha Devidas Tuyenkar is not entitled to any relief.

No order as to cost.

Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar),  
Presiding Officer,  
Labour Court-II.



Department of Public Health

#### Order

No. 4/14/2003-II/PHD/Vol IV(A)/1563

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/II/12/30(1)/2024/86 dated 11-06-2024, the Government is pleased to declare the following Doctors as having satisfactorily completed their probation period of two years and to confirm them in the post of Lecturer in the Department of Obst. & Gynaecology in Goa Medical College, Bambolim, with effect from the date of completion of their probation period:-

Sr. No.	Name of Officers	Date of completion of probation period
1	2	3
1.	Dr. Ankita Anirudha Sinai Borkar	02-06-2022
2.	Dr. Viraj Ramesh Naik	31-03-2023

By order and in the name of the Governor of Goa.

Gautami S. Parmekar, Under Secretary (Health-I).

Porvorim, 16th July, 2024.

#### Order

No. 4/12/2024-II/PHD/1561

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/II/12/30(4)/2024/82 dated 11-06-2024, the Government is pleased to declare the following Doctor as having satisfactorily completed his probation period of two years and to confirm him in the post of Assistant Professor in the Department of Neuro-surgery in Goa Medical College, Bambolim, with effect from the date of completion of his probation period:-

Sr. No.	Name of Officer	Date of completion of probation period
1	2	3
1.	Dr. Abhijit Nanda Parab	17-01-2023

By order and in the name of the Governor of Goa.

Gautami S. Parmekar, Under Secretary (Health-I).

Porvorim, 16th July, 2024.

#### Order

No. 4/14/2002-II/PHD/Vol.I/1562

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/30(1)/2014/91 dated 13-06-2024, Government is pleased to promote Dr. Dattaprasad G. Samant, Lecturer to the post of Assistant Professor in the Department of General Surgery (Group "A" Gazetted) in Goa Medical College and Hospital, Bambolim on regular basis in the Level 11 of Pay Matrix (PB-3: Rs. 15,600-39,100/- +GP: Rs. 6,600/-) and other allowances to be fixed as per rules with immediate effect.



The promotion is made against the vacancy occurred due to creation of additional posts vide Order No. 4/1/2018-II/PHD/1195 dated 14-08-2019 and 05 posts allotted of Assistant Professor in the Department of General Surgery vide Order No. 4/1/2018-II/PHD/Part-1/3383 dated 23-10-2020.

By order and in the name of the Governor of Goa.

*Gautami S. Parmekar*, Under Secretary (Health-I).  
Porvorim, 16th July, 2024.

### Order

No. 7/14/91-II/PHD/Part/1329

Read: (1) Memorandum No. 7/14/91-II/Part/1930 dated 29-11-2023.

(2) Corrigendum No. 7/14/91-II/Part/1319 dated 11-06-2024.

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/30(39)/2023/368 dated 26-10-2023, the Government is pleased to appoint the following candidates to the post of Pharmaceutical Chemist (Group "B" Gazetted) under the Goa Medical College, Bambolim on temporary basis in the Level-7 of Pay Matrix (Pre-revised: Pay Band-3 Rs. 9,300-34,800 + Grade Pay of Rs. 4,600/-) with immediate effect as per the terms and conditions contained in Memorandum cited above:

1. Shri Mitesh Ramnath Gaonkar.
2. Ms. Vinaya Paresh Karpe.

The above candidates shall be on probation for a period of two years.

Shri Mitesh Ramnath Gaonkar has been declared medically fit by the Medical Board. The character and antecedents in respect of Shri Mitesh Ramnath Gaonkar has been verified from the Office of the District Magistrate, North Goa, Panaji and there are no adverse remarks against him.

Smt. Vinaya Paresh Karpe has been medically examined by the Medical Board and her character and antecedents have been verified by the District Magistrate, North Goa District, Panaji-Goa at the time of her appointment as Assistant Pharmaceutical Chemist under Institute of Psychiatry and Human Behaviour vide Order No. 7/23/2018-III/PHD/1445 dated 20-09-2019 and Certificate No. 7/23/2018-III/PHD/1659 dated 11-10-2019.

The appointments are made against the vacancies occurred due to (i) creation of post of Pharmaceutical Chemist in Goa Medical College vide Order No. 4/1/2018-II/PHD/1195 dated 14-08-2019; and (ii) promotion of Smt. Kirti Sanzguiri, Pharmaceutical Chemist to the post of Senior Pharmaceutical Chemist vide Order dated 16-02-2023.

By order and in the name of the Governor of Goa.

*Trupti B. Manerkar*, Under Secretary (Health).  
Porvorim, 18th June, 2024.

## Department of Skill Development & Entrepreneurship

Directorate of Skill Development & Entrepreneurship

### Notification

No. 3/1691/ATS/2024/StateRC(NAPS-2)/875

Sub.: Constitution of State Level Implementation Review Committee for National Apprenticeship Promotion Scheme (NAPS-2) Reg...

Government is pleased to constitute State Level Implementation Review Committee for National Apprenticeship Promotion Scheme (NAPS-2) for State of Goa as per the directives of the Ministry.

The composition of SIRC/UTIRC as proposed by Ministry will be as follows:-

- |  |                                |
|--|--------------------------------|
| a) Director, Skill Development Department  | — Chairperson.                 |
| b) Deputy Director-Skill Development Department  | — Ex officio Member Secretary. |
| c) Director, Skill Development Mission   | — Member.                      |
| d) Regional Director of the concerned Regional Directorate of Skill Development & Entrepreneurship (RDSDE) | — Member.                      |

- e) Assistant Apprenticeship Advisor — Member.
- f) State Engagement Officer, National Skill Development Corporation — Member.
- g) Representative from Industries Department — Member.
- h) Representative from the Department of MSMEs — Member.
- i) Representatives from the Departments of School, Technical and Higher Education — Member.
- j) One representative each nominated by Apex Industry Association, if applicable (CII, FICCI, ASSOCHAM, NASSCOM and PHDCCI) — Member.
- k) One representative each nominated by leading MSME association/body, leading Industry Associations, Chamber of Commerce, etc. — Member.

The SIRC shall be responsible for:-

- a) Overall implementation and monitoring of the Scheme, including compliance with the Scheme guidelines at the State/UT-level.
- b) Reviewing State/UT-wide progress of Scheme including the work plans and budget and taking corrective action.
- c) Conducting periodic review of the progress of the Scheme at State/UT level.
- d) Reviewing progress and achievement of Key Performance Indicator (KPIs) to analyze the outcome of the Scheme at any point of time.
- e) Seeking periodic reports from the District Skill Committees (DSC's).
- f) Monitoring and reviewing the progress through DSCs and reporting the progress to State Skill Development & Entrepreneurship Committee (SSDEC) on Apprenticeship engagement and to MSDE.
- g) Reviewing the State/UT level awareness and mobilization efforts under the scheme.
- h) Co-ordinate/support Scheme impact evaluation/assessment studies at the ground level.
- i) Compiling recommendations from State/UT level stakeholders for putting forward to SMRC and/or taking necessary actions on them as may be deemed fit.
- j) Any other matter as matter as may be relevant for the effective implementation of the scheme.

S. S. Gaonkar, Director (SD & E)/State Apprenticeship Advisor.

Panaji, 3rd July, 2024.

## Department of Town & Country Planning

### Notification

No. 36/18/17(2)/Notification(7)/TCP-2024/1322

Whereas, the Town and Country Planning Department is in receipt of applications under sub-section (2) of Section 17 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for correction of inconsistent/incoherent zoning in the Regional Plan for Goa-2021 (RPG-2021) in respect of the plots of land as specified in detail in columns (2) to (5) of the Table below;

And whereas, the rectifications/corrections as requested in the said applications were scrutinized and Report of the Town and Country Planning Department alongwith the reports from registered professionals were submitted to the Government for decision;

And whereas, the Government has considered the Reports and it is of the opinion that alterations/modifications as specified in column (6) of the Table below corresponding to respective survey number

as specified in column (2) of said Table are necessary to be carried out to the RPG-2021 for the purpose of rectifying inadvertent errors that have occurred, and for correction of inconsistent/incoherent zoning proposals in the RPG-2021 and it has directed the Chief Town Planner (Planning) to carry out alterations/ modifications as specified in column (6) of the Table below to the RPG-2021;

Now, therefore, as directed by the Government and in pursuance of sub-section (2) of Section 17 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the alterations/modifications as specified in column (6) of the Table below corresponding to respective survey number as stated in column (2) of said Table are hereby carried out to the RPG-2021.

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village	Name of Taluka	Name of District	Alteration/ /modification carried out to the RPG-2021
1	2	3	4	5	6
1.	66/2 (Part), 66/3	Raia	Salcete	South	Settlement Zone.
2.	244/8-A(Part), 9-A(Part), 10-A(Part)	Siolim	Bardez	North	Settlement Zone.
3.	35/24	Colva	Salcete	South	Settlement Zone.
4.	496/1-C	Latambarcem	Bicholim	North	Settlement Zone.
5.	125/1 (Part)	Colva	Salcete	South	Settlement Zone.
6.	191/10-A (Part)	Assagao	Bardez	North	Settlement Zone.
7.	205/3A-1 (Part)	Dhargalim	Pernem	North	Settlement Zone.
8.	86/18 (Part)	Marra	Bardez	North	Settlement Zone.

*Rajesh J. Naik*, Chief Town Planner (Planning).

Panaji, 23rd July, 2024.

#### Notification

No. 36/18/39A/Notification (3)/TCP/2024/7

Whereas, Town and Country Planning Department of the Government of Goa is in receipt of applications under sub-section (1) of Section 39A of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) for change of zone in the Regional Plan for Goa 2021, in respect of the plots of land as specified in detail in the table below (hereinafter referred to as “the said Proposals”);

TABLE

Sr. No.	Survey No. & Sub-Division No.	Name of Village
1	2	3
1.	48/10-AV	Cundaim, Ponda.
2.	48/10-AL	Cundaim, Ponda.
3.	48/10-AR	Cundaim, Ponda.
4.	48/10-AK	Cundaim, Ponda.
5.	48/10-AAAAB	Cundaim, Ponda.
6.	400/1 (Part)	Latambarcem, Bicholim.
7.	236/1 (Part) Plot No. 71	Usgao, Ponda.
8.	236/1-AC	Usgao, Ponda.

1	2	3
9.	236/1-AL	Usgao, Ponda.
10.	236/1 (Part) Plot No. 33-B	Usgao, Ponda.
11.	236/1-B	Usgao, Ponda.
12.	236/1-A-G	Usgao, Ponda.
13.	236/1 (Part) Plot No. 34-B	Usgao, Ponda.
14.	236/1 (Part) Plot No. 66	Usgao, Ponda.
15.	236/1 (Part) Plot No. 30	Usgao, Ponda.
16.	236/1 (Part) Plot No.125	Usgao, Ponda.
17.	236/1-T	Usgao, Ponda.
18.	236/1 (Part) Plot No. 34-A	Usgao, Ponda.
19.	236/1 (Part) Plot No. 72-B	Usgao, Ponda.
20.	236/1 (Part) Plot No. 85	Usgao, Ponda.
21.	236/1-AZ	Usgao, Ponda.
22.	41/1-B	Poinguinim, Canacona.

And whereas, in terms of sub-rule (1) of Rule 4 of the Goa Town and Country Planning (Change of zone of land in the Regional Plan or the Outline Development Plan) Rules, 2024 (hereinafter referred to as the "said Rules"), the Town and Country Planning Department, after scrutinizing the said proposals, had placed such proposals alongwith it's scrutiny reports before the Goa Town and Country Planning Board for its recommendation/approval/decision;

And whereas, the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 has approved the said proposals as specified in above table.

Now, therefore, as required by sub-rule (2) of Rule 4 of the said Rules, a notice is hereby given to the public that the Goa Town and Country Planning Board in it's 202nd meeting held on 24-06-2024 has approved the said proposals for change of zones in the Regional Plan for Goa-2021, in respect of the plots of land as specified in above table, which were placed before it under sub-rule (1) of Rule 4 of the said Rules and suggestions are hereby invited from the public within a period of thirty days from the date of publication to this Notification in the Official Gazette.

Suggestions, if any, to the said proposals as approved by the Goa Town and Country Planning Board may be forwarded to the Chief Town Planner (Planning), 2nd Floor, Dempo Tower, Patto Plaza, Panaji-Goa, before the expiry of the said period of thirty days, so that the said proposals alongwith suggestions, if any received, can be placed before the Goa Town and Country Planning Board for it's recommendation/approval/decision in terms of sub-rule (3) of Rule 4 of the said Rules.

By order and in the name of the Governor of Goa.

*Rajesh J. Naik*, Chief Town Planner (Planning) & ex officio Joint Secretary.

Panaji, 23rd July, 2024.

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